

REMARKS

Reconsideration and withdrawal of the rejections set forth in the above-mentioned Office Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 7-10 are now pending in this application, with Claim 7 being independent. Claims 1-6 have been canceled without prejudice or disclaimer and Claims 7-10 are newly presented herein.

Claims 3 and 6 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Since claims 3 and 6 have been cancelled without prejudice or disclaimer, the § 112 rejection is deemed moot. Newly presented Claims 7-10 are believed to be in full compliance with the requirements of § 112. Favorable reconsideration and withdrawal of the § 112 rejection are requested.

Claims 1, 4 and 5 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 7,136,100 (Kato et al.). Claims 2, 3 and 6 were rejected under 35 U.S.C. § 103(a) as being obvious over Kato et al. in view of U.S. Patent No. 6,101,287 (Corum et al.). Since Claims 1-6 have been cancelled without prejudice or disclaimer, the §§ 102 and 103 rejections are also deemed moot. Nevertheless, new Claims 7-10 are believed to be patentable over the citations of record for the following reasons.

Kato et al. describes an electronic still camera that can read out correction data from a photoelectric conversion area shielded by a shutter. Applicant submits that Kato et al. is only capable of reading out one correction data (DATA2). Kato et al. does not continuously read

out first and second correction data, especially where the charge accumulation time of the first correction data is different from the charge accumulation time of the second correction data. That is, Kato et al. fails to disclose or suggest an imaging device with at least a second mode for continuously reading out first correction data and second correction data from a photoelectric conversion area, wherein the second mode operates after the completion of a first mode for continuously reading out first image data and second image data from the photoelectric conversion area, as is recited in independent Claim 7.

Nor does Kato et al. disclose or suggest that the first correction data is acquired during a first charge accumulation time and the second correction data is acquired during a second charge accumulation time, with the second charge accumulation time being different from the first charge accumulation time, as is also recited in independent Claim 7.

Thus, Kato et al. fails to disclose or suggest important features of the present invention recited in independent Claim 7.

Corum et al. was cited for teaching adjusting a portion of a dark frame in accordance with compensation values related to dark reference pixels of a picture frame. However, Corum et al. is not believed to remedy the deficiencies of Kato et al. noted above with respect to independent Claim 7.

Thus, independent Claim 7 is patentable over the citations of record. Reconsideration and withdrawal of the §§ 102 and 103 rejections are respectfully requested.

For the foregoing reasons, Applicant respectfully submits that the present invention is patentably defined by independent Claim 7. Dependent Claims 8-10 are also

allowable, in their own right, for defining features of the present invention in addition to those recited in their respective independent claims. Individual consideration of the dependent claims is requested.

Applicant submits that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action, and an early Notice of Allowability are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Mark A. Williamson/

Mark A. Williamson
Attorney for Applicant
Registration No. 33,628

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
MAW:ytr